

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

JOSEPH P. DOWNS,

Plaintiff,

vs.

No. Civ. 08-162 BB/RLP

**OFFICER SAM SENA,
OFFICER THOMAS HICKS,
LUCINDA SCARLET,
DEPARTMENT OF PUBLIC SAFETY,**

Defendants.

ORDER and JUDGEMENT

The matter comes before the Court on the Report and Recommendation of the United States Magistrate Judge, pursuant to 28 U.S.C. § 636 [Docket No. 20]. Plaintiff filed no objection.

IT IS THEREFORE ORDERED that the Proposed findings and recommended disposition of the United States Magistrate Judge are hereby adopted by the Court.

IT IS FURTHER ORDERED Defendants' Motion to Dismiss Plaintiff's Complaint with Prejudice [Docket No. 17] is GRANTED, and Plaintiff's Complaint is Dismissed with Prejudice pursuant to F.R.Civ.P. 37(b)(2)(C) for his failure to provide discovery as ordered by this Court and F.R.Civ.P. 41(b) for his failure to comply with this Court's Rules and Orders.



BRUCE D. BLACK
United States District Judge